

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Ebony Monique Walton,

Case No. 21-cv-1856 (WMW/LIB)

Plaintiff,

ORDER

v.

Rent-A-Center West, Inc.; and Get It Now,
LLC,

Defendants.

Plaintiff Ebony Monique Walton commenced this action against Defendants on August 18, 2021, alleging Defendants Get It Now, LLC, and Rent-A-Center West, Inc., violated the bankruptcy code. (Dkt. 1.) Defendants filed a motion to dismiss on December 21, 2021. (Dkt. 11.) On January 10, 2022, Plaintiff filed an amended complaint that includes several revisions, including additional claims. (Dkt. 16.)

An amended complaint supersedes an original complaint and divests the original complaint of any legal effect. *See In re Wireless Tel. Fed. Cost Recovery Fees Litig.*, 396 F.3d 922, 928 (8th Cir. 2005). For this reason, when a plaintiff files an amended complaint while a motion to dismiss is pending, the amended complaint typically renders the motion to dismiss moot. *Onyiah v. St. Cloud State Univ.*, 655 F. Supp. 2d 948, 958 (D. Minn. 2009) (citing *Pure Country, Inc. v. Sigma Chi Fraternity*, 312 F.3d 952, 956 (8th Cir. 2002)). As that is the circumstance here, Defendants' motion to dismiss is denied without prejudice as moot.

ORDER

Based on the foregoing analysis and all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that Defendants' motion to dismiss, (Dkt. 11), is **DENIED WITHOUT PREJUDICE** as moot. The February 8, 2022, hearing on Defendants' motion to dismiss is **CANCELLED**.

Dated: January 19, 2022

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge